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PATENT  
**Case No. 7780/17**  
(T00343)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re patent application of:	)	
	)	
WEIJING CHEN ET AL.	)	Examiner: PEACHES, RANDY
	)	
Serial No.: 09/932,842	)	
	)	
Filed: AUGUST 17, 2001	)	Group Art Unit: 2686
	)	
Title: PUBLIC WIRELESS LOCAL	)	Conf. No. 4500
AREA NETWORK	)	

**REPLY BRIEF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22202-1450

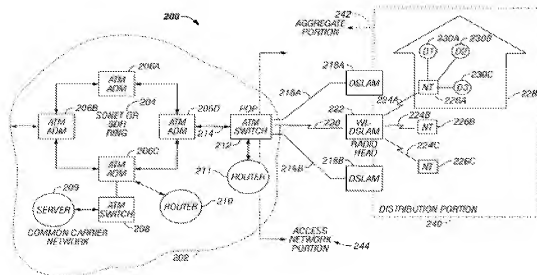
Dear Sir:

Please consider Appellants' Reply brief as follows:

The Examiner erroneously continues to reject these claims over the Lemieux reference, despite the clear failure of Lemieux to disclose, teach or suggest use of a “public telephone” as claimed in each of claims 1, 10, and 16. Specifically, the Examiner mistakenly contends that the devices D1-D3 of Lemieux '942 are public telephones, but each of devices D1-D3 are at a user's or subscriber's home office, business, or other facility, as disclosed and taught by Lemieux. In particular, Lemieux discloses that:

Each of the distribution channels is terminated with a network termination (NT) node or module that is provided at a user's (or subscriber's) home, office, business, or any other facility. For example, three NT modules 226A-226C are shown in this FIG. Also, for purposes of illustration, the NT module 226A is provided at a subscriber's facility 228 which includes three devices, D1 (reference numeral 230A), D2 (reference numeral 230B), and D3 (reference numeral 230C), each requiring a portion of the bandwidth provided by the distribution channel 224A.

Lemieux '942 at column 4, lines 23-31.



Clearly, the devices D1-D3 are not public telephones. The Examiner's attempted clarification – namely that “for visitors there are facilities deemed for public use as well” completely eviscerates the Examiner's own arguments. The very limitation that the users are called “visitors” by definition means that the facilities are not public, and therefore devices D1-D3 cannot possibly be public telephones. Indeed, the Examiner's own allegation that “depending on the said facility the said devices maybe [sic] public or pri-

vate devices” (p. 17 of the Examiner’s Answer) illustrates that the Examiner has not proven a case of anticipation. Since these independent claims were rejected as anticipated, the reference must disclose a “public telephone” in as great detail as claimed – which Lemieux clearly does not, as substantially acknowledged by the Examiner.

**Claims 6-8, 10-11, 13-14, 16, and 18-19 were rejected as unpatentable over Lemieux in view of Soussi, United States Patent Publication 2002/0142721A1**

The remaining claims depend directly or indirectly from one of independent claims 1, 10, or 16. All of the claims are therefore patentable.

**SUMMARY**

The Appellants respectfully submit that the Examiner's final rejection of claims 1-20 should be reversed and this case should pass to prompt allowance.

Dated: **March 30, 2007**

Respectfully submitted,  
WEIJING CHEN, *et al.*

/FRANK C. NICHOLAS/

CARDINAL LAW GROUP  
Suite 2000  
1603 Orrington Avenue  
Evanston, Illinois 60201  
Phone: (847) 905-7111  
Fax: (847) 905-7113

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Frank C. Nicholas  
Registration No.  
Attorney for Appellants